

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LEONARD BROWN

PLAINTIFF

v.

CIVIL ACTION NO. 3:17CV50-DPJ-FKB

JIM HOOD, ET AL.

DEFENDANTS

MOTION FOR LEAVE TO FILE ANSWER OUT OF TIME

COMES NOW, Defendant, Adrian Keys, in his individual and official capacity, through undersigned counsel, and files this his Motion for Leave to File Answer Out of Time and moves this Court to grant him leave to file an Answer to the Plaintiff's Complaint out of time in this matter. As grounds for this request, Defendant would show the following¹:

I.

That Defendant Adrian Keys was personally served with process in Chatom, Alabama on September 26, 2017, making his Answer to the Plaintiff's Complaint due on October 17, 2017 [42].

II.

That on October 26, 2017, the Mississippi Department of Corrections agreed to provide Keys with a defense in this matter and the undersigned has prepared an Answer and Defenses to the Plaintiff's Complaint that is ready to be filed on behalf of Defendant Keys. *See proposed Answer attached as Exhibit "A"*.

III.

¹Defendant Keys previously filed a Motion for Extension of Time to file his Answer [Dkt #45], however, the request was only for an extension of time until October 31, 2017, and the passage of time has rendered that motion and request moot. As a result, Defendant Keys has now filed the present motion for leave to file his Answer out of time.

That granting this motion will result in no prejudice to the Plaintiff.

IV.

That the undersigned has attempted to contact Plaintiff's counsel regarding Defendant Keys' request to file an Answer after the October 17, 2017 deadline, but without success.

V.

Counsel submits that this request is reasonable under the circumstances, and is not made for purposes of mere delay, but so that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that the Court grant his motion and enter an order granting him leave to file an Answer to the Plaintiff's Complaint out of time. Defendant also prays for such other general relief that the Court deems appropriate.

Respectfully submitted this the 3rd day of November, 2017.

**ADRIAN KEYS, IN HIS INDIVIDUAL AND
OFFICIAL CAPACITY, DEFENDANT**

BY: **JIM HOOD, ATTORNEY GENERAL
STATE OF MISSISSIPPI**

BY: s/Tommy D. Goodwin
TOMMY D. GOODWIN, MSB 100791
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CERTIFICATE OF SERVICE

I, TOMMY D. GOODWIN, Special Assistant Attorney General of the State of Mississippi, do hereby certify that I have electronically filed the foregoing with the Clerk of the Court using the ECF system, which served a copy on all counsel of record.

This, the 3rd day of November, 2017.

s/Tommy D. Goodwin
TOMMY D. GOODWIN